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TO RUEHC/SECSTATE WASHDC PRIORITY 5383
INFO RUEHBS/AMEMBASSY BRUSSELS 0240
RUEHJB/AMEMBASSY BUJUMBURA 0328
RUEHDR/AMEMBASSY DAR ES SALAAM 1143
RUEHKM/AMEMBASSY KAMPALA 1911
RUEHKI/AMEMBASSY KINSHASA 0463
RUEHLO/AMEMBASSY LONDON 0246
RUEHMD/AMEMBASSY MADRID 0022
RUEHNR/AMEMBASSY NAIROBI 1239
RUEHFR/AMEMBASSY PARIS 0507
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C O N F I D E N T I A L KIGALI 000415

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [RW](#)
SUBJECT: FOUR RWANDAN OFFICERS ARRESTED FOR 1994 REVENGE
KILLINGS

REF: 07 KIGALI 296

Classified By: Ambassador Michael Arietti for
Reason 1.4 (b) (d)

¶1. (U) On June 11, a Rwandan military spokesman announced the arrest of four military officers (one retired) for the June 5, 1994 killing of 13 Catholic clergy, including several bishops, at Kabgayi, a Catholic church complex. These alleged murders occurred at the height of the genocide, when advancing Rwanda Patriotic Army (RPA) soldiers overran the nearby town of Gitarama, the then seat of the rump genocide government formed by Hutu extremists after the death of President Habyarimana. According to the spokesman, the arrests of General Wilson Gumisiriza, Major Wilson Ukwishaka, Captain John Butera, and Captain Dieudonne Rukeba, followed upon a joint investigation by the ICTR and Rwandan authorities. Of note, General Gumisiriza and Captain Butera are numbers 24 and 33 respectively on the list of forty officers indicted by the Spanish judge in February.

¶2. (U) The announcement of these arrests comes one week after the June 4 statement by ICTR prosecutor Hassan Jallow before the Security Council, stating that, acting in collaboration with the Government of Rwanda (GOR), a prima facie case had been established that these killings had been committed by RPA troops (now known as the RDF, Rwanda Defence Force). Jallow noted the intention of GOR officials to effect arrest and prosecution, and his decision to "hold in abeyance" any further action on the case. His office, said Jallow, would monitor the trial proceedings.

¶3. (C) On June 12, Mohammed Ayat, senior legal advisor at the ICTR office in Kigali, confirmed to pol/econ chief the ICTR's intention to monitor the trial, commenting that an ICTR trial attorney would arrive "soon" to liaise with GOR authorities. Ayat thought this would be "the only case to be undertaken by the GOR" in connection with ICTR investigations of RPA/RDF revenge killings or war crimes. ICTR Chief Investigator in Kigali Alfred Kwende told us June 13 that as far as he was aware, no investigation files had yet been turned over to the GOR in this case, noting as he has in the past that the ICTR office investigating this and other cases of RPA/RDF killings had been removed from Kigali to Arusha several years ago for "security concerns."

¶4. (C) In a separate conversation June 12, Rwanda Supreme Court Vice President Sam Rugege told us that, while the case would begin in the military high court, it would likely end on appeal before the civilian Supreme Court, as military

defendants in felony cases had an automatic right of appeal to his court. If the case ended in acquittal, he noted, under Rwandan law prosecutors could also appeal to his court.

15. (C) Comment. This wartime incident has been the subject of discussion for some time between the GOR and the ICTR (reftel), the ICTR opting for a negotiated indictment by the Rwandan government of RPA/RDF suspects, rather than indictment (and possible transfer) by the ICTR itself. The timing of the arrests is interesting, as these arrests come on the heels of three decisions regarding the return of suspected genocidaires for trial to Rwanda, one, favorable, by the British government and two, not favorable, by ICTR panels (septel). These arrests and prosecution will begin to answer critics of the ICTR and the GOR -- that only crimes by Hutu extremists have been addressed. The GOR in fact has prosecuted several dozen officers and enlisted men for revenge killings and failures of command responsibility during the 1994 genocide and resulting insurgency (although usually resulting in light sentences). This is only one case, among the many remaining alleged offenses attributed to the RPA/RDF, but it is a start. End comment.

ARIETTI